

### **REMARKS**

By the present response, Applicant has submitted new claims 31-42 for consideration by the Examiner and submits that these claims do not contain any prohibited new matter. Further, Applicant has amended the specification and claims 1, 7, 10, 13, 17, 19, 23 and 30 to further clarify the invention. Claims 1, 2, 7, 10, 13 and 16-42 remain pending in the present application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1-2, 7, 10, 13 and 16-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,164,831 (Kuchta et al.) in view of U.S. Patent No. 6,801,719 (Szajewski et al.).

#### **Second Preliminary Amendment**

Applicant notes that the Second Preliminary Amendment filed by Applicant on January 23, 2006 was not considered by the Examiner in the current Office action. It is assumed that this Amendment and the current Office Action crossed paths in the mail. However, Applicant has submitted arguments in this response regarding all pending claims in the present application and how they distinguish over the asserted references.

#### **Response to Arguments**

In the "Response to Arguments" section of the Office Action, the Examiner appears to maintain his argument that Kuchta et al. discloses Applicant's claimed "cut-off mode" by the operator-designated selection routine disclosed in Figure 3 reference 112 of Kuchta et al. Applicant submits that the Examiner appears to use impermissible hindsight in reading the limitations in the claims of the present application back into the cited reference. In this regard, the Examiner asserts the terms mode, determine, selection, and control are synonymous to each other in an attempt to justify his assertions. However, clearly, in any English language dictionary, the definition for each of these terms have separate and distinct meanings and are not synonymous.

Moreover, the Examiner maintains that Szajewski et al discloses transmitting and displaying during telephonic communication, a sub-image signal, by the disclosure of the communication module 46 transmitting the image signals via a telecommunication network to devices. However, transmission of signals via a telecommunication network does not disclose transmitting and displaying during telephonic communication, as recited in the claims of the present application. The mere fact that telecommunication network is used to transmit signals does not disclose suggest or inherently disclose that transmitting and displaying is occurring during a telephonic communication such as a telephone call. In fact Szajewski et al. merely discloses transmission of signals and nothing related to transmitting and displaying during a telephonic communication.

Moreover, the Examiner appears to misunderstand the claimed invention. Apparently, the present application has been wrongfully classified since it appears that the Examiner has searched prior art in the wrong class and/or subclass. The references cited by the Examiner relate to cameras. In contrast, embodiments of the present invention as recited in the limitations in the claims relate to video conferencing. Applicant respectfully requests the Examiner to contact Applicant's representative mentioned below after receipt of this response regarding a personal Examiner interview in order to help further the Examiner's understanding of the present invention and advance prosecution of the present application.

35 U.S.C. § 103 Rejections

Claims 1, 2, 7, 10, 13 and 16-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuchta et al. in view of Szajewski et al. Applicant has discussed the deficiencies of each of these references in Applicant's previously-filed responses and, therefore, reasserts all arguments submitted in these responses. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 1, 7, 10, 13, 30 and new claims 31, 35, 39 and 40, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, transmitting and displaying, during a video telephone call, a sub-image signal instead of the main image signal when the cut off mode is set, an image signal selector for outputting during a video

telephone call a sub-image signal instead of the main image signal to the image signal processor when the cut off mode has been set, performing during a video telephone call one of transmitting a second image signal stored in a storage unit if the cut off mode has not been set or transmitting the encoded image signal inputted if the cut off mode has been set, or a telephone terminal that includes a controller operating to selectively transmit the first image signal or a prestored second image signal from the memory unit to a receiver side during a video telephone call based on a user's setting.

As has been noted, the Examiner admits that Kuchta et al. does not disclose or suggest transmitting and displaying during telephonic communication, but asserts that Szajewski et al. discloses these limitations in figure 1, reference character 46, and col. 10, lines 6-52. However, as noted previously, mere disclosure of transmission of a signal via a telecommunication network does not disclose or suggest transmitting and displaying during a video telephone call, a sub-image signal instead of a main image signal when a cut off mode is set, as recited in the claims of the present application. Moreover, the teachings of Kuchta and Szajewski et al. are in completely different areas as opposed to the embodiments as recited in the claims of the present application. Both Kuchta et al. and Szajewski et al. relate to camera technology. In contrast, as clearly disclosed in Applicant's specification and drawings, the limitations in the claims of the present application relate to an image signal transmitting/receiving apparatus such as a mobile communication terminal. A camera, as recited in both Kuchta et al. and Szajewski et al., is not a

transmitting/receiving apparatus such as a mobile communication device as disclosed in the present application.

Regarding claims 2, 16-29, 32-34, 36, 37, 38, 41 and 42, Applicant submits that these claims are dependent on one of independent claims 1, 7, 10, 13, 30, 31, 35 and 40 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 2, 7, 10, 13 and 16-42 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Serial No. 09/917,722  
Amendment dated April 24, 2006


Docket No. P-0247

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1, 2, 7, 10, 13 and 16-42 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. Should the Examiner have any questions regarding the above-identified application, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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